

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:09-CV-15-RJC-DCK**

| | | |
|---|---|---------------------|
| BSN MEDICAL, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| PARKER MEDICAL ASSOCIATES, LLC, and A. BRUCE PARKER, |) | |
| |) | |
| Defendants. |) | |
| |) | |

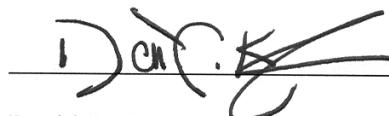
THIS MATTER IS BEFORE THE COURT on the “Joint Motion To Avoid Second Mediation, Or, In The Alternative, To Extend Mediation Deadline” (Document No. 194) filed April 12, 2011. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b), and immediate review is appropriate. Having carefully considered the joint motion, and the record as a whole, the undersigned will reluctantly grant the motion.

On April 29, 2011, the undersigned issued an “Order” revising certain case deadlines, including mediation. (Document No. 211). The current deadline for the filing of a report on the results of mediation is **June 24, 2011**. However, the Court notes that the joint motion indicates the parties previously mediated in March 2010 and reached an impasse. The motion further indicates – through experienced counsel – that “the parties have discussed this matter and have jointly concluded that resolution of this case at mediation is a virtual impossibility.” It appears the parties believe – and the Court grudgingly agrees – that the time of the parties right now is best spent completing their investigation of the case and filing timely dispositive motions. Notwithstanding the Court’s ruling, the parties are of course encouraged to pursue informal settlement negotiations as appropriate in an effort to resolve this matter.

IT IS, THEREFORE, ORDERED that the “Joint Motion To Avoid Second Mediation, Or, In The Alternative, To Extend Mediation Deadline” (Document No. 194) is **GRANTED**.

IT IS FURTHER ORDERED that a second mediation is not required by the Court, and the deadline for reporting the results of same is cancelled.

Signed: May 24, 2011



David C. Keesler
United States Magistrate Judge 